



State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION

OFFICE OF THE COMMISSIONER

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Berry's Creek Technical Advisory Group Meeting
Minutes
June 18, 1986

The fifteenth meeting of TAG took place at the HMDC Environment Center in Lyndhurst. The following people were in attendance: Joe Maher, Richard Dime, Glenn Bukowski, George Harvell, Art Slesinger, William Weddendorf, Bob Will, Dick Lee, Oksana Yaremko, Paul Galluzzi, Robin Burr, John Ciancia, John Montgomery and Larry Schmidt. The first item considered by TAG was approval of minutes of the March 6, 1986 meeting. The minutes were approved as drafted.

Prior to discussing scheduled agenda items, Larry Schmidt made a brief presentation on the recent DEP reorganization as it affects TAG and SAC. He indicated that Jorge Berkowitz has been promoted to Director of the Division of Environmental Quality and therefore will no longer be involved in the Berry's Creek clean-up. Two new hazardous waste divisions have been created under Assistant Commissioner John Gaston. The Division of Hazardous Site Mitigation will be headed up by Richard Salkie, an EPA employee currently on loan to the State of New Jersey. This new Division will be responsible for publically funded hazardous waste clean-ups. The Division of Hazardous Waste Management is the second new division and John Trella, formerly of the Division of Water Resources, will direct that Division. The Hazardous Waste Management Division will have responsibility for privately funded clean-ups and hazardous waste planning, regulation (RCRA - type permits and ECRA), and hazardous waste enforcement. No one from the DEP clearly understood which of the two Divisions would ultimately take responsibility for the Berry's Creek project.

The second implication of the reorganization is that the Quality Insurance/Quality Control program (QA/QC) has been transferred from the Office of Science and Research to the Division of Environmental Quality (now headed up by Dr. Jorge Berkowitz). Glenn Bukowski of the Office of Science and Research felt that the procedures for coordination of Berry's Creek could be worked out among the various elements within DEP. He said that he would coordinate directly with QA/QC program people in the Division of Environmental Quality and also plug-in the Division of Hazardous Site Mitigation's QA/QC Office (Nancy Spence) through Richard Dime.

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TAG members requested that Larry Schmidt draft a memo to Director Berkowitz and Director Tom Burke asking for a formal clarification of the QA/QC responsibility as it relates to Berry's Creek. TAG members also asked Larry Schmidt to prepare a memo to Assistant Commissioner John Gaston requesting the reassignment of SAC chairman. It was also the feeling of TAG members that there should be an expression made to John Gaston that the continuity of involved DEP personnel should be retained. This includes the project manager and the technical support representatives from the former Hazardous Site Mitigation Administration (Note - appended to these minutes are new DEP organizational charts which were not available for TAG meeting 15).

An outside inquiry has been made to Paul Galluzzi of HMDC on the public availability of the Task I final documents. Joe Maher felt that Task I was a public document and could be made available on loan through the Executive Secretary of TAG. The inquiry was made by the consultants for the New Jersey Turnpike Authority.

TAG members then proceeded into a short discussion on the adequacy of the sediments stored at WES and the approval of the WES QA/QC plan. Dick Lee reported that the WES plan has been submitted to the Office of Science and Research. It has been approved in concept. In order to test the plan with analytical data, WES has moved forward and mixed the sediments and analyzed four samples. These 4 samples will be used as a trial mechanism to determine if the QA/QC plan is acceptable under the terms of the Consent Order. Glenn Bukowski indicated that Dr. Henry Hoffman of the QA/QC Office in DEQ will review and approve the analytical procedures of the four samples. Dr. Hoffman will coordinate this with Ms. Nancy Spence of the Division of Hazardous Site Mitigation.

TAG members then received a report from Joe Maher on the status of the WES contract. Joe reported on a number of bureaucratic snags that has held up the formal signing of the contract. He felt that the language was now acceptable to both parties. Commissioner Dewling signed the "Waiver" of the advertising process on May 29 and it is now pending approval by the State Treasurer's Office. Joe hopes to send an approved copy to WES within a week. Both Joe Maher and Dick Lee indicated that the funding schedule needs to be reworked because of delays encountered over the last two months.

As stated earlier WES has proceeded to mix and analyze the sediments on a "good faith basis" although the formal contract has not been signed. Dick reported that the sediments were mixed on June 6 and that 4 samples were extracted and digested. The initial work went forward based on the \$15,000 cash advance to WES by the two industries. The money was scheduled for LSU equipment purchases but could not be spent at this time. Dick also stated that LSU is still committed to doing the research but is currently "dead in the water" since WES can't pass money to LSU until the contract is signed.

TAG members shifted the agenda slightly to discuss the adequacy of the sediments which have been stored at WES since January 1986. TAG members agreed that the sediments exceeded by holding time for priority pollutant analysis but this did not represent a problem since priority pollutant analysis should be done in the field to capture the organic components. Extended holding time was determined to be a moot issue. Dr. Lee assured TAG members that there should be no microbial transformation problems based on previous work done by LSU researchers. He felt that it would be safe to store the sediments up to one year. Dick Lee suggested that the existing sediments be used and that some time in the future, SAC could get fresh samples to validate the results of the various test procedures. Dick Lee also noted that the LSU field volatilization study could also be used to verify results with the WES sediments.

TAG members agreed to accept the recommendations of WES and LSU that the stored sediments (mixed sediment samples) are still acceptable. This assumes that work will commence within the next 30-45 days. Art Slesinger agreed with Dick Lee's thoughts and stated that perturbations will occur in any sampling and mixing procedure, even with fresh sediments. Glenn Bukowski agreed to inform the QA/QC office of our recommendation on the use of the samples made at WES.

Dick Lee then returned to his presentation on the revised schedule. He distributed a spread sheet and schedules to the TAG members. He focused on the LSU field volatilization study schedule for August of 1986. TAG members discussed and agreed that the following steps need to be taken beforehand so LSU personnel could get into the field:

1. a need to locate sampling stations
2. a need to mobilize manpower and equipment
3. a need to do a QA/QC plan and develop a methodology for a field sampling plan
4. a need to resolve contractual problems
5. and a need to obtain review and approval from TAG/SAC

After a lengthy discussion, it was concluded that the field volatilization could not be done during the Summer of 1986 because of contractual and logistical problems. Rather, it should be rescheduled for the summer of 1987. Paul Galluzzi asked that an option of LSU doing the work this summer be held open if LSU would indicate that it was willing and able to do the work. Paul volunteered to follow-up with Dr. Patrick of LSU and then contact key members of TAG to bring this issue to a resolution.

Dr. Lee continued his presentation on Appendix A and noted a logistical problem with obtaining killifish samples from his contract vendor. The vendor has advised WES that the life cycle of the fish necessitates that the biological analysis be performed during the spring and summer of any given year. To commence with

this work during the Fall and Winter of 1986 and 1987 could yield flawed results. TAG members agreed that the work should be postponed until the Spring of 1987 although it would mean an overall delay of 6 months in completing the WES and LSU contract.

Art Slesinger asked the TAG to alter the agenda to discuss the scientific article written by Dr. Richard Bartha. Art explained that he had to leave the TAG meeting early and wanted to discuss the issue before he left. Art started by asking if sulfur availability is the controlling factor in the availability of mercury in the environment? The issue was discussed by Dick Lee, Richard Dime, Paul Galluzzi and Art Slesinger. Finally, Art summed up the discussion by concluding Dr. Bartha's hypothesis is being addressed in the WES/LSU research and that TAG/SAC will not be vulnerable to scientific critics at a later date. TAG members agreed with Art by stating that sulfur monitoring will take place in the sediment manipulations on a simple before and after basis.

The TAG meeting recessed for lunch at the picturesque "Sidewalk Cafe" high atop the BCUA landfill. All present enjoyed the haute cuisine.

After lunch Bob Will made a short presentation on the Corps' programmatic EIS on the HMDC Master Plan and Zoning Ordinance. The EIS is cooperatively being prepared by EPA (the Federal lead agency), the Corps, and the HMDC to address potential conflicts between the Master Plan and Section 404 permitting authority. The cooperative agencies are using the advance identification and evaluation method for wetlands as a basis for writing the EIS. This work will take place during the summer of 1986. After the EIS process has been completed, HMDC will have the option to revise its Master Plan and Zoning Ordinance to facilitate compatibility with federal Section 404 decision-making. The process is expected to take 2-3 years before completion. Bob Will stated that there will be no development moratorium in the District area during the development of the EIS.

The TAG then considered the creation of a peer review committee, an idea that had been introduced by Hank Garie at a previous SAC meeting. SAC had tabled discussion pending a recommendation from the TAG. TAG members questioned whether a peer review committee would review proposals and work products for TAG and SAC or whether the committee should really be nothing more than a number of scientists providing technical expertise to TAG/SAC on specific areas. Glenn Bukowski recalled that Hank Garie wanted a peer review to assist the Office of Science and Research in the managing research component. When questioned, Glenn admitted that the Office of Science and Research does not have money to engage peer reviewers on its own. It was the conclusion of TAG members that there was no great need to establish a peer review for TAG or the Office of Science and Research at this time. Rather, there will be opportunities for public and scientific review throughout the RI/FS process. TAG and SAC still retains the option of bringing on scientific advisors as needed.

The last agenda item discussed by TAG was the development of a sampling plan to be included in the RFP for the major contractor. Joe Maher distributed general revisions to the Department's generic Scope of Work. Joe advised the group that past experience in soliciting proposals from RI/FS contractors has dictated the need to specify the initial round of sampling in order to evaluate proposals, especially regarding costs. Mr. Maher requested that TAG assist him in the development of the first round of sampling.

Richard Dime pointed out to TAG that every RI/FS must include a risk assessment involving the public health implications at the "feasibility study" stage. He indicated that it is extremely important to be able to justify that there will be no public health implications via potential pathways if a "no action" alternative is selected. He emphasized that there is a need to get the right data early-on and that this information will also be necessary for various modelling tasks.

TAG members then proceeded to discuss the Draft Plan for sampling which was prepared in 1984 and 1985 by ERM Southeast. George Harvell stated that the two industries paid for the ERM work but it should not be represented that it has their endorsement. George Harvell characterized it as a "draft" and a good place to commence with the discussion of sampling.

Joe Maher explained that a first round of sampling will be used to evaluate the potential contractor and therefore a sampling plan should not be too prescriptive. He felt that the sampling methodology should be left open to evaluate the potential contractors method and the cost effectiveness of the sampling. Joe explained the current procedural requirements make it difficult to deal with substantive issues. He said that the State's requirements call for fixed prices on the first round of sampling, followed by the development of the sampling plan. The successful contractor would then have to solicit bids from subcontractors for data collection and analytical testing. The DEP then evaluates the subcontractor proposals and settles with the prime contractor on a cost plus basis.

Richard Dime proceeded to go over the ERM Report as it related to site specific sampling in the Berry's Creek system. He discussed both the recommended sampling requirements on the site of the mercury processing plant (i.e. soils, runoff, and groundwater) and off-site locations by various media. After Dr. Dime's presentation, TAG agreed to adjourn the meeting in favor of a second full day of discussions by the Scientific Subcommittee of TAG. TAG suggested that the Scientific Subcommittee meet in the Trenton offices of DEP on June 19. The meeting was adjourned at approximately 4:30p.m.

After the meeting Dick Lee gave a slide presentation on the initial mixing of the sediments at the WES laboratory. He described the procedures and how the laboratory personnel overcame some technical problems in mixing and extracting the sediments.